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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Finland

1. The Committee considered the eleventh and twelfth periodic reports of Finland (CERD/C/240/Add.2) at its 1141st and 1142nd meetings (see CERD/C/SR.1141-1142), held on 5 and 6 March 1996, and at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State Party's readiness to continue a dialogue with the Committee. It regrets that the eleventh and twelfth reports were not submitted on time. The Committee also expresses its appreciation to the State Party's delegation for the additional information that it provided during its oral presentation.

B. Factors and difficulties impeding the implementation of the Convention

3. Since the mid-1980s, Finland has been facing important demographic changes. It is noted that the number of foreigners has more than tripled over the past few years. It is also noted that Finland is facing difficulties in the current period of structural change and economic recession. As observed by the Government, implementation of the Convention may also be made more difficult in some areas by decentralization policies, severe unemployment and budgetary cuts.

C. Positive aspects

4. It is noted that the Government of Finland has taken, especially since the beginning of the 1990s, several positive measures to combat various forms of racial discrimination. The establishment of the Advisory Board for Refugee and Migrant Affairs, the ratification of the European Charter for Regional Minority Languages (1994) and the creation of a working group to draw up a programme of action against racism and discrimination (1996) are just a few of the proactive steps that Finland has taken.

5. Recent legal reforms of the Constitutional framework and Penal Code, on matters related directly to racial discrimination, are welcomed.

6. The Government's initiative in establishing a dialogue with the non-governmental sector is appreciated. It is noted that this dialogue resulted in the cooperative drafting of the eleventh and twelfth periodic reports of Finland. The efforts undertaken by the Government to promote public debate on questions and problems relating to racial discrimination are welcome initiatives.

7. It is noted with satisfaction that the State Party has made a declaration under article 14, paragraph 1, of the Convention, recognizing the competence of the Committee to receive communications from individuals. The fact that Finland has ratified the amendments to article 8, paragraph 6, of the Convention is welcomed.

D. Principal subjects of concern

8. Concern is expressed that article 4 of the Convention has not yet been fully implemented.

9. The recent, significant increase of racially motivated acts and violence is a matter of deep concern. The persistence of publications, organizations and political parties which promote racist and xenophobic ideas is a further serious worry. It is regretted that there is no law which prohibits or punishes racist organizations for activities which promote and incite racial discrimination. Proposed reforms of the Constitution and of the Penal Code seem not to comply fully with the spirit and provisions of articles 2 and 4 of the Convention.

10. It is noted that victims of racial discrimination must overcome significant obstacles in order to obtain adequate judicial remedies.

11. As regards the land rights of the Sami people, concern is expressed over the mining and other economic interests of national and international companies which may be threatening the way of life of Samis.

12. Concern is also expressed over the Sami people's participation in the Sami parliament in their mother tongue.

13. The difficulties which the romany minority continues to experience in exercising its rights is a matter of concern. The high rate at which Romany children drop out from school is also cause for concern.

14. It is noted with concern that educational programmes contain insufficient information on human rights issues, especially on minority rights issues.

15. There is no wide distribution of the text of the Convention in Finland. This practice differs from the Government's policy of distributing the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in the Finnish language.

16. The current refugee policies do not fully take into account all of the provisions of the Convention. In some cases, decisions to repatriate asylum-seekers have been taken without proper respect for international human rights standards and the norms of refugee law. Concern is likewise expressed over the criteria employed in granting residence permits to foreigners.

17. Also a matter of concern is the discrimination against ethnic minorities and foreigners which occurs within the labour market.

18. Concern is expressed about the training of law enforcement officials in the protection of human rights in the light of the Committee's General Recommendation No. XIII.

19. Another matter of concern is the denial of access to public places for some persons, on the basis of ethnic or national origins.

E. Suggestions and recommendations

20. In order to combat racist and xenophobic attitudes and violence, the Committee recommends that the State Party take all appropriate measures to implement fully articles 2 and 4 of the Convention. It also recommends that Finland adopt legislation which clearly prohibits and punishes acts of racial discrimination and organizations that promote and incite such racial discrimination.

21. The Committee recommends that the constitutional and penal reforms in Finland, to the extent to which they concern racial discrimination, more fully reflect the provisions of the Convention.

22. The Committee also recommends that the Government ensure thorough investigation of cases involving alleged mistreatment of persons belonging to ethnic minorities and foreign persons by the police. Detailed information on complaints and sentences regarding acts of racial or ethnic discrimination would be useful.

23. The Committee suggests that the Government draft and implement a clear policy on Sami land rights in order better to protect and preserve the way of life of this minority group. The Committee also recommends that the Government ratify ILO Convention No. 169.

24. The Committee recommends that the State Party do all in its power to enable Sami children to pursue their studies at the primary and secondary levels in their mother tongue.

25. The Committee also suggests that special measures be taken on behalf of the Romany people to ensure their full and equal enjoyment of human rights, especially in the field of education.

26. In order to fight discrimination more efficiently, the Committee recommends that special attention be paid in schools to human rights issues and especially to minority issues.

27. The Committee strongly recommends that the Government take the Convention fully into account when considering policies and/or decisions on asylum seekers and refugees.

28. The Committee recommends that appropriate action be taken to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

29. The Committee further suggests that the State Party ensure the wide dissemination of the text of the Convention, as well as of the report, the summary records and the concluding observations adopted thereon. The accepted individual communications procedure under article 14 of the Convention should be widely publicized throughout Finland for the benefit of the general public.

30. The Committee recommends that the State Party's next periodic report, due in August 1995, be an updating report, and that it address the matters raised in these concluding observations.